



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SYNCORA GUARANTEE INC., formerly  
known as XL CAPITAL ASSURANCE INC.,

Plaintiff,

-against-

EMC MORTGAGE CORPORATION,  
Defendant.

Civ. Action No. 09 CV 3106 (PAC)

**[PROPOSED] AMENDED  
SCHEDULING ORDER**

PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

It is hereby ORDERED that the dates in the above-captioned proceeding set forth in the May 5, 2009 Civil Case Management Plan and Scheduling Order, the Amended Schedule Order dated January 19, 2010, the Amended Scheduling Order dated March 23, 2010, the Amended Scheduling Order dated September 13, 2010, the Amended Scheduling Order dated April 18, 2011, the Amended Scheduling Order dated January 17, 2012, the Amended Scheduling Order dated March 14, 2012, the Amended Schedule Order dated May 7, 2012, and the Amended Schedule Order dated May 30, 2012 have been adjourned as follows:

1. All fact depositions and fact discovery must be completed by September 28, 2012, except that borrower discovery may continue until 90 days prior to trial.
2. Requests to Admit must be served by October 12, 2012.
3. The designation of expert testimony and disclosure of expert reports as to any issue on which a party has the burden of proof ("Opening Reports") must be made by January 4, 2013.
4. All expert reports responsive to Opening Reports ("Opposition Reports") must be disclosed by February 15, 2013.

5. By March 15, 2013, the opening parties must disclose any reply reports rebutting specific material in the Opposition Reports ("Rebuttal Reports").
6. All expert discovery, including depositions, must be completed by April 26, 2013.
7. All motions for summary judgment must be served by May 31, 2013.
8. All oppositions to summary judgment must be served by July 8, 2013.
9. All reply briefs in support of summary judgment must be served by August 5, 2013.
10. The parties will submit a joint pretrial order on September 6, 2013.
11. Trial shall begin no earlier than October 14, 2013.

Dated: New York, New York  
July 16 2012

SO ORDERED:



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PAUL A. CROTTY  
UNITED STATES DISTRICT JUDGE

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July 13, 2012

**By E-Mail**

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The Honorable Paul A. Crotty  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007-1312

**Re: Syncora Guarantee Inc. v. EMC Mortgage Corporation**  
**Index No. 09 CV 3106 (PAC)**

Dear Judge Crotty:

We represent Plaintiff Syncora Guarantee Inc. ("Syncora") in the above-referenced action, and we write on behalf of both parties. The parties have conferred and agreed upon a proposed revised case management schedule, subject to Your Honor's approval, as set forth in the enclosed Proposed Amended Scheduling Order.

The parties jointly request an extension of the fact discovery deadline to complete third-party discovery (including third-party depositions and resolution of discovery disputes between Syncora and GreenPoint) and to complete party discovery, in particular 30(b)(6) depositions. The parties were discussing potential alternative procedures for obtaining 30(b)(6) testimony in lieu of depositions, but were unable to reach agreement on a mutually acceptable alternative procedure. Therefore, the parties have agreed to proceed with the 30(b)(6) depositions. Given the vacation schedules of several individuals involved in the upcoming depositions, the parties request that the deadline for fact discovery be extended to September 28, 2012.

Respectfully submitted,



Philip R. Forlenza  
Patterson Belknap Webb & Tyler LLP  
*Attorneys for Plaintiff Syncora Guarantee Inc.*

cc: Robert Sacks, Esq.  
Eric N. Whitney, Esq.